REMARKS

The Office Action mailed on 30 October 2008 was received and reviewed. Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

Rejections based on 35 U.S.C. § 103(a)

A) Applicable Authority

Title 35 U.S.C. §103(a) declares, a patent shall not issue when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or motivations found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. See *Application of Bergel,* 292 F. 2d 955, 956-957 (CCPA 1961). Recently, the Supreme Court elaborated, at pages 13-14 of the *KSR* opinion, it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in

order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application]." *KSR v. Teleflex*, No. 04-1350, 550 U.S. ___ (2007).

B) Obviousness Rejections Based on U.S. Patent No. 6,199,136 ("Shteyn") and U.S. Patent No. 5,630,204 ("Hylton ").

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shteyn and Hylton. Applicant respectfully traverses the obviousness rejection of claims 1-16 because Shteyn and Hylton fail to describe or suggest all elements of amended independent claims 1, 11, and 14.

Amended independent claim 1 recites a system for event driven content installation on a network device over a data network. The system includes a network device and a remote server. The network device detects a change in a configuration of the network device and transfers information regarding the configuration change via a first network path. In turn, the remote server receives the information regarding the configuration change. In response to the information received, the remote server searches a database for content to be downloaded to the network device. The content corresponds to the configuration change. The remote server supports the configuration change to the network device, by comparing the information received to content stored in the database. The remote server sends a message over the first network path notifying the network device of a location of the content corresponding to the configuration change. The network device requests over a second network path different from the first network path downloading of the content at the location identified in the message. The remote server downloads the content to the network device in response to the request via the second network path. And in parallel, the remote server instructs the network device, via the first

network path, how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded.

It is respectfully submitted that the cited prior art, including Shteyn and Hylton, fail to describe or suggest, among other things, *the remote server downloading the content to the network device in response to the request, via the second network path, and in parallel, instructing the network device, via the first network path, how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded*; as recited in amended independent claim 1. The Office relies upon Shteyn and Hylton to render the invention of amended independent claim 1 unpatentable. Shteyn describes home entertainment systems that allow device on a home network to discover each other. Hylton describes video delivery systems that serve multiple devices, including wireless devices. Nothing in Shteyn and Hylton, alone and in combination, describes or suggests, among other things, an event map that allows the remote server to trigger activation of the downloaded content.

Unlike Shteyn and Hylton, alone and in combination, the invention of amended independent claim 1 requires, among other things, a remote server downloading the content to the network device in response to the request, via the second network path, and in parallel, instructing the network device, via the first network path, how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded. Shteyn and Hylton fail to expressly or inherently describe or suggest all elements of the invention of amended independent claim 1. Accordingly, for at least the above reasons, Applicant respectfully requests withdrawal of the obviousness rejection and allowance of amended independent claim 1.

Dependent claims 2-10 further define novel features of the invention of amended independent claim 1 and each depend directly from amended independent claim 1. Accordingly, for at least the reasons set forth above with respect to amended independent claim 1, dependent claims 2-10 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. § 1.75(c). As such, withdrawal of the obviousness rejection and allowance of dependent claims 2-10 are respectfully requested.

Amended independent claim 11 recites a method for event driven content installation on a network device over a data network. A change in a configuration of a network device is detected. Information regarding the configuration change is transferred to a remote server. The information is transferred via a first network path. A message is received over the first network path from the remote server that provides a location in a content database, which has been searched to locate content in response to the information transferred. The located content corresponds to the configuration change, supports the configuration change to the network device, and is downloaded to the network device. The content is downloaded from the database location identified in the message via second network path different than the first network path. In parallel to the downloading, the instructions from the remote server are received, via the first network path, on how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded.

It is respectfully submitted that the cited prior art, including Shteyn and Hylton, fail to describe or suggest, among other things, *in parallel to the downloading, receiving instructions from the remote server, via the first network path, on how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded;* as recited in amended independent claim 11. The Office relies upon Shteyn and

Hylton to render the invention of amended independent claim 11 unpatentable. As discussed above, Shteyn describes home entertainment systems, and Hylton describes video delivery systems. However, nothing in Shteyn and Hylton, alone and in combination, describes or suggests, among other things, an event map that allows the remote server to trigger activation of the downloaded content.

Unlike Shteyn and Hylton, alone and in combination, the invention of amended independent claim 11 requires, among other things, in parallel to the downloading, receiving instructions from the remote server, via the first network path, on how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded. Shteyn and Hylton fail to expressly or inherently describe or suggest all elements of the invention of amended independent claim 11. Accordingly, for at least the above reasons, Applicant respectfully requests withdrawal of the obviousness rejection and allowance of amended independent claim 11.

Dependent claims 12-13 further define novel features of the invention of amended independent claim 11 and each depend directly from amended independent claim 11. Accordingly, for at least the reasons set forth above with respect to amended independent claim 11, dependent claims 12-13 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. § 1.75(c). As such, withdrawal of the obviousness rejection and allowance of dependent claims 12-13 are respectfully requested.

Independent claims 14 recites a method for event driven content installation on a network device over a data network. Information from a remote network device regarding a change in a configuration of the remote network device is received via a first network path. In response to the information received, a database is searched to locate content. The located

content corresponds to the configuration change, supports the configuration change to the network device, by comparing the information received to content stored in the database, and is downloaded to the remote network device. A message is sent over the first network path to the remote network device including a location of the content corresponding to the configuration change. A request for a download of the content at the location is received from the remote network device. The download request is received via a second network path different than the first network path. The content is downloaded to the remote network device in response to the request. The content is downloaded via the second network path. In parallel to the downloading, the remote network device is instructed, via the first network path, how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded.

It is respectfully submitted that the cited prior art, including Shteyn and Hylton, fail to describe or suggest, among other things, *in parallel to the downloading, instructing the remote network device, via the first network path, how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded;* as recited in amended independent claim 14. The Office relies upon Shteyn and Hylton to render the invention of amended independent claim 14 unpatentable. As discussed above, Shteyn describes home entertainment systems, and Hylton describes video delivery systems. However, nothing in Shteyn and Hylton, alone and in combination, describes or suggests, among other things, an event map that allows the remote server to trigger activation of the downloaded content.

Unlike Shteyn and Hylton, alone and in combination, the invention of amended independent claim 14 requires, among other things, in parallel to the downloading, receiving instructions from the remote server, via the first network path, on how to install the content

downloaded with an event map that specifies events which trigger activation of the content downloaded. Shteyn and Hylton fail to expressly or inherently describe or suggest all elements of the invention of amended independent claim 14. Accordingly, for at least the above reasons, Applicant respectfully requests withdrawal of the obviousness rejection and allowance of amended independent claim 14.

Dependent claims 15-16 further define novel features of the invention of amended independent claim 14 and each depend directly from amended independent claim 14. Accordingly, for at least the reasons set forth above with respect to amended independent claim 14, dependent claims 15-16 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. § 1.75(c). As such, withdrawal of the obviousness rejection and allowance of dependent claims 14-16 are respectfully requested.

CONCLUSION

For at least the reasons stated above, the pending claims are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

/MONPLAISIR HAMILTON/

Monplaisir Hamilton
Reg. No. 54,851

TLW/mghz
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550